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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
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Joel R. Felty

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EXAMINER

CARIASO, ALAN B

ART UNIT

PAPER NUMBER

2875

DATE MAILED: 11/19/2003

Please find below and/or attached an Office communication concerning this application or proceeding.

# Office Action Summary

Application No.

10/085,680

Applicant(s)

FELTY, JOEL R.

Examiner

Alan Cariaso

Art Unit

2875

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

## Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If the period for reply specified above is less than thirty (30) days, a reply within the statutory minimum of thirty (30) days will be considered timely.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133).
- Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

## Status

- 1) ☒ Responsive to communication(s) filed on 22 August 2003.
- 2a) ☒ This action is **FINAL**. 2b) ☐ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

## Disposition of Claims

- 4) ☒ Claim(s) 1,3-8 and 10-18 is/are pending in the application.
- 4a) Of the above claim(s) \_\_\_\_\_ is/are withdrawn from consideration.
- 5) ☐ Claim(s) \_\_\_\_\_ is/are allowed.
- 6) ☒ Claim(s) 1,3,4,8,10,11 and 14-16 is/are rejected.
- 7) ☒ Claim(s) 5-7,12,13,17 and 18 is/are objected to.
- 8) ☐ Claim(s) \_\_\_\_\_ are subject to restriction and/or election requirement.

## Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☒ The drawing(s) filed on 22 August 2003 is/are: a) ☒ accepted or b) ☐ objected to by the Examiner.  
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).  
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

## Priority under 35 U.S.C. §§ 119 and 120

- 12) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).  
a) ☐ All b) ☐ Some \* c) ☐ None of:  
1. ☐ Certified copies of the priority documents have been received.  
2. ☐ Certified copies of the priority documents have been received in Application No. \_\_\_\_\_.  
3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).  
\* See the attached detailed Office action for a list of the certified copies not received.
- 13) ☐ Acknowledgment is made of a claim for domestic priority under 35 U.S.C. § 119(e) (to a provisional application) since a specific reference was included in the first sentence of the specification or in an Application Data Sheet. 37 CFR 1.78.  
a) ☐ The translation of the foreign language provisional application has been received.
- 14) ☐ Acknowledgment is made of a claim for domestic priority under 35 U.S.C. §§ 120 and/or 121 since a specific reference was included in the first sentence of the specification or in an Application Data Sheet. 37 CFR 1.78.

## Attachment(s)

- 1) ☒ Notice of References Cited (PTO-892) 4) ☐ Interview Summary (PTO-413) Paper No(s). \_\_\_\_\_
- 2) ☐ Notice of Draftsperson's Patent Drawing Review (PTO-948) 5) ☐ Notice of Informal Patent Application (PTO-152)
- 3) ☐ Information Disclosure Statement(s) (PTO-1449) Paper No(s) \_\_\_\_\_ 6) ☐ Other: \_\_\_\_\_

## **DETAILED ACTION**

### ***Response to Amendment***

1. Receipt of applicant's amendment filed 22 August 2003 is acknowledged. Amendment to the specification (page 7, line 1-8) and submitted proposed drawings (fig.4A) have overcome objections to the specification and drawings, respectively. Claims 1, 3, 7, 8 and 10 have been amended. Claims 2 and 9 have been canceled. Claims 1, 3-8 and 10-18 are currently pending.

### ***Claim Rejections - 35 USC § 102***

2. The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that form the basis for the rejections under this section made in this Office action:

A person shall be entitled to a patent unless –

(b) the invention was patented or described in a printed publication in this or a foreign country or in public use or on sale in this country, more than one year prior to the date of application for patent in the United States.

3. Claims 1, 3, 4 and 14-16 are rejected under 35 U.S.C. 102(b) as being anticipated by CLARKE (US 1,571,709).

4. CLARKE discloses a headlight housing assembly comprising: a housing (14) defined by an inner surface and an outer surface (14) and an inner chamber; a lamp (23) attached to the housing (14) and resident inside the inner chamber; a ball dome member (3) attached to the outer surface (14) such that the entire ball dome member (3) is external to the inner chamber; wherein the ball dome member (3) is defined by a cylindrical portion (11) terminating in a dome portion (3) at one end and in an annular face (left end of 11) at another end; the annular face defined by one threaded bore on

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the annular face (11) formed therethrough; the ball dome member (3) is further defined by a slot (right 12) formed in the dome portion (3); wherein the housing (14) further includes at least one bolt aperture (12 adjacent 15) formed therethrough, and wherein a mounting bolt (13) inserted through the bolt aperture (12) passing from the interior chamber (of 14) out through the bolt aperture (12,15) and into a corresponding threaded bore (12) formed in the ball dome member (3) whereby the mounting bolt (13) is in threaded engagement with one threaded bore (12) to attach the ball dome (3) to the outer surface of the housing (14).

***Claim Rejections - 35 USC § 103***

5. The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

6. Claims 8, 10 and 11 are rejected under 35 U.S.C. 103(a) as being unpatentable over CLARKE (US 1,571,709) in view of SIEMS (US 5,690,419).

7. CLARKE discloses applicant's claimed invention including the ball dome (3) defined by an annular face (left end of 11) substantially in contact with the outer surface (14), except a plurality of threaded bores opening in the annular face of the ball dome in spaced relation and corresponding plural mounting bolts threadedly engaged with threaded bores.

8. SIEMS illustrates at least a plurality of threaded bores opening in the annular face of a joint-socket assembly (12,14) in spaced relation (fig.7) for the purpose of rigidly securing a light housing or reflector (32-fig.1) onto the joint-socket assembly by inherently threaded fasteners. It would have been obvious to one having ordinary skill in the art at the time the invention was made to modify the headlight assembly of CLARKE to include a plurality of threaded fasteners engaged with threaded bore openings in spaced relation as taught by SIEMS in order to rigidly secure the attachment between the joint or ball dome member and the lamp housing or reflector. Though bolt type fasteners are not disclosed, it is notoriously known in the art of threaded fasteners and corresponding threaded bore members to include bolts to engage threaded openings or bores of the member to be secured.

***Allowable Subject Matter***

9. Claims 5-7, 12, 13, 17 and 18 are objected to as being dependent upon a rejected base claim, but would be allowable if rewritten in independent form including all of the limitations of the base claim and any intervening claims.

***Response to Arguments***

10. Applicant's arguments filed 22 August 2003 have been fully considered but they are not persuasive. Applicant states that CLARKE that the "nut" attaching to the "diametrical bore" of Clarke is clearly different structure than the "threaded bores" of the "dome" of Applicant's device. In response, at least claim 1 as amended recites "one or

more threaded bores" and claim 14 recites "*at least one* mounting bolt ... threadedly engaging a *threaded bore* formed in said ball dome", with emphasis on the claimed option of *one bore* defining the annular face of the ball dome member (claim 1) and one bolt engaging a threaded bore (claim 14), of which are broadly interpreted and therefore sufficiently met by the disclosed structure of CLARKE of which includes the "nut" and "diametrical bore" engaged by the "threaded tubular shank or stem 13". In any of claims 1, 3, 4 and 14-16, applicant has not specifically limited the ball dome member to having more than one threaded bores. In response to applicant's argument that Applicant's design choice (regarding the "threaded bores" of the "dome") was intentional to solve strength and aesthetic problems in the prior art, an intended use of the claimed invention must result in a structural difference between the claimed invention and the prior art in order to patentably distinguish the claimed invention from the prior art. If the prior art structure is capable of performing the intended use, then it meets the claim. See *In re Casey*, 152 USPQ 235 (CCPA 1967) and *In re Otto*, 136 USPQ 458, 459 (CCPA 1963). Therefore, claims 1, 3, 4 and 14-16 remain anticipated by CLARKE.

11. Applicant's arguments regarding the threaded bores against the prior art to GEHERSKY with respect to the rejection(s) of claim(s) 9-11 under GEHERSKY have been fully considered and are persuasive. Therefore, the rejection has been withdrawn. However, upon further consideration of claim 8 (as amended), 10 and 11, a new ground(s) of rejection is made in view of SIEMS (US 5,690,419).

***Conclusion***

12. The prior art made of record and not relied upon is considered pertinent to applicant's disclosure. HALL (US 658,911) shows plural threaded screws (fig.4) engaged with inherently threaded bores of annular plate (23) attaching a ball-stem assembly (10,11) to a surface of a camera (12). SOLOSABAL et al (US 1,514,867) show a ball dome member (13-figs.1,2 & 5) having an end portion (13a) that includes plural bores receiving threaded bolts (16) attaching the ball dome member to a headlight housing (15). SMITH (US 4,433,854) shows one threaded bore (22) defining an annular face of a base end (20) of a ball connector (10) engaged with a bolt (46). HILLE (DE 3603981 A1) teaches building a lamp device that includes a dome or ball member (fig.3) that includes radially spaced bores (Teil 1).


13. **THIS ACTION IS MADE FINAL.** Applicant is reminded of the extension of time policy as set forth in 37 CFR 1.136(a).

A shortened statutory period for reply to this final action is set to expire THREE MONTHS from the mailing date of this action. In the event a first reply is filed within TWO MONTHS of the mailing date of this final action and the advisory action is not mailed until after the end of the THREE-MONTH shortened statutory period, then the shortened statutory period will expire on the date the advisory action is mailed, and any extension fee pursuant to 37 CFR 1.136(a) will be calculated from the mailing date of the advisory action. In no event, however, will the statutory period for reply expire later than SIX MONTHS from the mailing date of this final action.

Any inquiry concerning this communication or earlier communications from the examiner should be directed to Alan Cariaso whose telephone number is (703) 308-1952. The examiner can normally be reached on 9-5:30 M-F.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Sandra O'Shea can be reached on (703) 305-4939. The fax phone number for the organization where this application or proceeding is assigned is (703) 872-9318.

Any inquiry of a general nature or relating to the status of this application or proceeding should be directed to the receptionist whose telephone number is (703) 308-0956.



Alan Cariaso  
Primary Examiner  
Art Unit 2875

AC  
November 16, 2003